

RECEIVED  
CENTRAL FAX CENTER

DEC 29 2003

"PATENTS"

OFFICIAL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Lester F. Ludwig ) Group Art Unit: 2837  
SERIAL NO.: 09/812,400 ) Examiner:  
FILED: March 19, 2001 ) Marlon T. Fletcher  
FOR: Processing and Generation of Control )  
Signals for Real-Time Control of Music Signal )  
Processing, Mixing, Video, and Lighting ) Conf. Number: 7356

RESPONSE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated September 2, 2003, the three-month period for response having been extended to January 2, 2004, by concurrent submission of petition and payment of fees, Applicant provides the following remarks.

BEST AVAILABLE COPY

2738-5

1

**OFFICIAL** NO. 573

001

**THE MAXHAM FIRM**

A PROFESSIONAL LAW CORPORATION

LAWRENCE A. MAXHAM

BLAKE A. O'NEILL  
JEFFREY J. LOTSPEICH

SYMPHONY TOWERS  
750 "B" STREET, SUITE 3100  
SAN DIEGO, CALIFORNIA 92101  
U.S.A.  
TELEPHONE (619) 233-9004  
FACSIMILE (619) 544-1246  
URL <http://www.maxhamfirm.com>

**RECEIVED  
CENTRAL FAX CENTER**

DEC 29 2003

 PATENTS  
 TRADEMARKS  
 COPYRIGHTS

**C-O-N-F-I-D-E-N-T-I-A-L**  
ATTORNEY/CLIENT PRIVILEGED COMMUNICATION

The information contained in this facsimile transmission is confidential. The information is intended only for the use of the individual or entity to whom it is addressed. If you are not the intended recipient or the employee or agent responsible for delivery to the intended recipient, you are hereby notified that any use, dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return this document to us by mail to 750 "B" Street, Suite 3100, San Diego, CA 92101.

*(Please Call (619) 233-9004 If Received In Error)*

**DATE:** 29 December, 2003

**TO:** Examiner Marlon T. Fletcher  
Art Unit: 2837

**COMPANY:** USPTO

**FAX NO.:** (703) 872-9306

**FROM:** Jeffrey J. Lotspeich

**RE:** "PROCESSING AND GENERATION OF CONTROL SIGNALS FOR REAL-TIME CONTROL OF MUSIC SIGNAL PROCESSING, MIXING, VIDEO, AND LIGHTING"  
 Inventor: Lester F. Ludwig  
 Serial No.: 09/812,400 - Filed: 19 March 2001

**NUMBER OF PAGES INCLUDING COVER SHEET:** 12

*If transmission is poor, or if you do not receive all pages, please call (619) 233-9004 as soon as possible.*

**COMMENTS:**

**BEST AVAILABLE COPY**

Please type a plus sign (+) inside this box → 

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## TRANSMITTAL FORM

(To be used for all correspondence after initial filing)

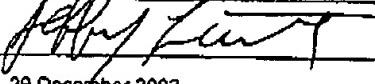
Total Number of Pages in This Submission

Application Number	09/812,400
Filing Date	19 March 2001
First Named Inventor	Lester F. Ludwig
Group Art Unit	2837
Examiner Name	Marlon T. Fletcher
Total Number of Pages in This Submission	11
Attorney Docket Number	2738-05

## ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers <i>(for an Application)</i> <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i>
Remarks <hr/> <div style="height: 100px;"></div>		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	THE MAXHAM FIRM Jeffrey J. Lotspeich, Reg. No. 45,737
Signature	
Date	29 December 2003

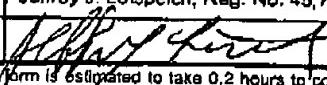
## CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being facsimile transmitted to:

Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this date:

29 December 2003

Typed or printed name Jeffrey J. Lotspeich, Reg. No. 45,737

Signature  Date 29 December 2003

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

**BEST AVAILABLE COPY**

F10/5507 (01-03)  
Approved for use through 04/30/2003. OMB 0651-0032  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



## FEE TRANSMITTAL for FY 2004

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT	(\$ 55)
-------------------------	---------

Complete if Known	
Application Number	09/812,400
Filing Date	18 March 2001
First Named Inventor	Lester F. Ludwig
Examiner Name	Marlon T. Fletcher
Group / Art Unit	2837
Attorney Docket No.	2738-05

### METHOD OF PAYMENT (check all that apply)

- Check    Credit card    Money    Other    None  
 Deposit Account:

Deposit  
Account  
Number

020460

Deposit  
Account  
Name

THE MAXHAM FIRM

The Commissioner is authorized to: (check all that apply)  
 Charge fee(s) indicated below    Credit any overpayments  
 Charge any additional fee(s) during the pendency of this application  
 Charge fee(s) indicated below, except for the filing fee  
 to the above-identified deposit account.

### FEE CALCULATION

#### 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 305	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 345	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	

SUBTOTAL (1)      (\$ 0)

#### 2. EXTRA CLAIM FEES

Total Claims	Independent Claims	Extra Claims	Fee from below	Fee Paid
		= 0	X 0 = 0	
		= 0	X 0 = 0	
		X 0 = 0		

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 280	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 16	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)      (\$ 0)

\*\* or number previously paid, if greater; For Reissues, see above

### FEE CALCULATION (continued)

3. ADDITIONAL FEES	Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051	130	2051	Surcharge - late filing fee or oath	
1052	50	2052	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	Non-English specification	
1812	2,520	1812	For filing a request for reexamination	
1804	920*	1804	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	Requesting publication of SIR after Examiner action	
1251	110	2251	Extension for reply within first month	55
1252	420	2252	Extension for reply within second month	
1253	950	2253	Extension for reply within third month	
1254	1,480	2254	Extension for reply within fourth month	
1255	2,010	2255	Extension for reply within fifth month	
1401	390	2401	Notice of Appeal	
1402	930	2402	Filing a brief in support of an appeal	
1403	290	2403	Request for oral hearing	
1451	1,510	1451	Petition to institute a public use proceeding	
1452	110	2462	Petition to revive - unavoidable	
1453	1,330	2463	Petition to revive - unintentional	
1501	1,330	2501	Utility issue fee (or reissue)	
1502	480	2502	Design issue fee	
1503	640	2503	Plant issue fee	
1460	130	1460	Petitions to the Commissioner	
1807	50	1807	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	Submission of Information Disclosure Stmt	
8021	40	8021	Recording each patent assignment per property (times number of properties)	
1809	770	2809	Filing a submission after final rejection (37 CFR § 1.129(e))	
1810	770	2810	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	Request for Continued Examination (RCE)	
1802	800	1802	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$ 55)

#### SUBMITTED BY

Name (Print/Type)	Jeffrey J. Lotapsich	Registration No. Attorney/Agent)	45,737	Telephone	619-233-0004
Signature					

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038, Burden Hour Statement. This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

BEST AVAILABLE COPY